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6  
7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2011-1010*

12 **NEKISSA MADELEINE**  
13 **HEKMATDOOST**

**A C C U S A T I O N**

14 **49 Sycamore Street**  
15 **Convington, LA 70433**

**Registered Nurse License No. 674596**

Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
20 Consumer Affairs.

21 2. On or about February 28, 2006, the Board of Registered Nursing issued Registered  
22 Nurse License Number 674596 to Nekissa Madeleine Hekmatdoost (Respondent). The  
23 Registered Nurse License expired on April 30, 2009, and has not been renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code also grants the Board jurisdiction over suspended, expired, forfeited, cancelled or surrendered licenses:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

.....

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

8. Section 2762 of the Code provides that certain conduct relating to controlled substances constitutes unprofessional conduct:

1 "In addition to other acts constituting unprofessional conduct within the meaning of this  
2 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under  
3 this chapter to do any of the following:

4 (a) Obtain or possess in violation of law, or prescribe, or except as directed by a  
5 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or  
6 furnish or administer to another, any controlled substance as defined in Division 10  
(commencing with Section 11000) of the Health and Safety Code or any dangerous drug or  
dangerous device as defined in Section 4022.

7 (b) Use any controlled substance as defined in Division 10 (commencing with  
8 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device  
9 as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or  
10 injurious to himself or herself, any other person, or the public or to the extent that such use  
impairs his or her ability to conduct with safety to the public the practice authorized by his  
or her license.

11 (c) Be convicted of a criminal offense involving the prescription, consumption, or  
12 self-administration of any of the substances described in subdivisions (a) and (b) of this  
13 section, or the possession of, or falsification of a record pertaining to, the substances  
described in subdivision (a) of this section, in which event the record of the conviction is  
conclusive evidence thereof.

14 (d) Be committed or confined by a court of competent jurisdiction for intemperate  
15 use of or addiction to the use of any of the substances described in subdivisions (a) and (b)  
16 of this section, in which event the court order of commitment or confinement is prima facie  
evidence of such commitment or confinement.

17 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in  
18 any hospital, patient, or other record pertaining to the substances described in subdivision  
19 (a) of this section."

### 20 COST RECOVERY

21 9. Section 125.3 of the Code provides, in pertinent part, that the Board, Registrar, or  
22 Director may request the administrative law judge to direct a licentiate found to have committed a  
23 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
24 investigation and enforcement of the case.

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1        14. Respondent is subject to disciplinary action under section 2761 subdivision (a) of the  
2 Code on the grounds of unprofessional conduct. The conduct is more particularly described in  
3 paragraph 11 and paragraph 12, subparagraphs (a) through (e), inclusive, above and herein  
4 incorporated by reference.

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6                                    **THIRD CAUSE FOR DISCIPLINE**

7                                    **(Drug-Related Transgressions)**

8        15. Respondent is subject to discipline under Section 2762, subdivisions (a) and (e) of the  
9 Code because Respondent used a controlled substance, in violation of the law and forged  
10 prescriptions to do so. The conduct is more particularly described in paragraph 11 and paragraph  
11 12, subparagraphs (a) through (e) inclusive, above and herein incorporated by reference.

12                                    **PRAAYER**

13        WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
14 and that following the hearing, the Board of Registered Nursing issue a decision:

15        1.     Revoking or suspending Registered Nurse License Number 674596, issued to Nekissa  
16 Madeleine Hekmatdoost;

17        2.     Ordering Nekissa Madeleine Hekmatdoost to pay the Board of Registered Nursing  
18 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
19 Professions Code section 125.3; and

20        3.     Taking such other and further action as deemed necessary and proper.  
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24 DATED: June 28, 2011

Louise R. Bailey  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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